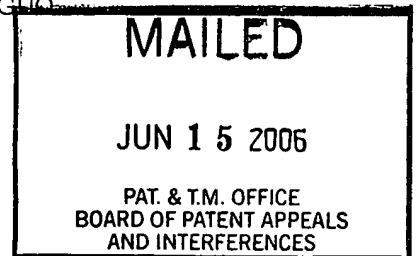


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AUGUSTIN T. CHEN, JONG-SHING GUO
and MESHACH OJUNGA-ANDREW

Application No. 09/885,198



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on June 13, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

On December 22, 2005, the examiner mailed an examiner's answer. In the Evidence Relied Upon section, paragraph (8), the examiner stated that "No evidence is relied upon by the examiner in the rejection of the claims under appeal." A review of the file reveals that a reference was applied to the statement of rejections in the Grounds of Rejection section, paragraph (9), of

Application No. 09/885,198

the examiner's answer. Before further review, the examiner must submit a revised examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See Manual of Patent Examining Procedure § 1207.02. Appropriate correction is required. Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) the issuance of a revised Examiner's Answer, having the missing references listed under the Evidence Relied Upon section, paragraph (8); and 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

Dale M. Shaw
Deputy Chief Appeal Administrator
(571) 272-9797

cc: KENNETH D. GOETZ
LATHROP & GAGE, LC
SUITE 2800
2345 GRAND BOULEBARD
KANSAS CITY, MO 64108

DMS/lbg